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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

## LOK SABHA

The following Bills were introduced in Lok Sabha on 4th December, 1987:—

BILL No. 121 OF 1987

*A Bill to provide for a comprehensive policy for the development of the youth in the country.*

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

**Short title, extent and commencement.**

1. (*1*) This Act may be called the Youth Act, 1987.

(2) It extends to the whole of India.

(3) It shall come into force at once.

**Definitions.**

2. In this Act, unless the context otherwise requires,—

(*a*) 'appropriate Government' means in the case of a State, the State Government and in the case of a Union territory, the Union Government;

(*b*) 'youth' means all persons between fifteen and forty years of age;

(*c*) 'youth association' means a body consisting of the representatives of youth organisations of all States and Union territories;

(*d*) 'youth organisation' means an organisation of youth which provides for universal membership, without any discrimination on the basis of race, religion, language, caste or sex and the constitution of which provides for its democratic functioning in respective States or Union territories, as the case may be.

Compulsory and free educational facilities to youth.

**3. (*1*) The appropriate Government shall provide to the youth,—**

**(*a*) compulsory and free education upto secondary school level;**

**(*b*) free supply of school materials, like books, note-books, stationery;**

**(*c*) scholarships to deserving students; and**

**(*d*) who are illiterate, the facilities for adult education.**

(*2*) The education, under sub-section (*1*), shall include study of science and various aspects of human life as also extra-curricular activities.

Participation of youths in management of administration of schools, etc.

4. (*1*) The youth shall have representation in the management or advisory boards at all levels of administration for schools as well as in institutions of higher and specialised education.

(*2*) Students unions in all educational institutions shall be formed through elections by secret ballot.

Sports facilities to youths.

**5. The appropriate Government shall provide—**

**(*a*) facilities to the youth for participation in sports activities;**

**(*b*) finances to sports organisations for youth; and**

**(*c*) the representation of youth organisations in sports associations and bodies.**

Promotion of health awareness among youths.

**6. The appropriate Government shall promote among youth the habit to lead a healthy life, to undergo mental and physical training, to adopt a balanced diet and to refrain from using stimulants and drugs.**

Provisions of nutrient meals in schools, etc.

**7. The appropriate Government shall provide healthy and nutritious meals to students in schools, colleges, universities and hostels.**

Medical care of youths.

**8. The appropriate Government shall provide proper and regular medical and health care to all youths.**

Training of youths in trade, vocation, etc.

**9. (*1*) The appropriate Government shall evolve a scheme under which young girls and boys shall choose, from among modern apprenticeship trades, vocations, for theoretical and practical training, in factories and vocational institutions.**

**(2) Such factories and vocational institutions shall provide facilities for training to persons who leave the schools and pay them adequate wages.**

**10.** Persons responsible to run training centres set up under section 9 shall ensure that students get appropriate training. Trainee to be consulted in the training programme.

**11. It shall be the responsibility of the appropriate Government to provide proper and gainful employment to youth or unemployment allowance, in lieu thereof, till they get employment.** Provision of employment or unemployment benefits to youths.

**12.** Notwithstanding anything contained in any other law for the time being in force,— Working conditions of youths.

(*a*) the minimum age limit for employment shall be sixteen years;

(*b*) all youth workers, both men and women, shall be paid equal pay for equal work:

Provided that special monetary rewards shall be given to youth worker in case of any special achievement by him;

(*c*) the working hours of youth workers shall not exceed forty hours a week and they shall be given twenty days holiday in a year;

(*d*) no worker, both men and women, who is under the age of eighteen years shall be employed for any hazardous job.

**13.** The appropriate Government shall ensure safe and healthy working conditions for youth which shall be reviewed from time to time in consultation with youth organisations. Provision of healthy working conditions to youth workers.

**14.** The youth workers representatives chosen by secret ballot shall be entitled to participate in discussion with management regarding problems, if any, of youth workers employed in offices and factories. Participation of youths in administration of offices/factories.

**15. The appropriate Government shall—** Exploration of talents of youths.

**(*a*) take steps to encourage youth to take an active part in arts and cultural events, to help them to demonstrate their abilities by holding contests, meetings, workshops, etc;**

**(*b*) organise youth festivals;**

**(*c*) involve youth organisations in activities connected with agriculture and house building by paying them adequate remuneration so as to improve their standard of living;**

**(*d*) take steps to encourage international brotherhood amongst the youth; and**

**(*e*) constitute youth work teams to work on voluntary basis to inculcate in the youth respect for labour.**

Special protection to youths.

**16.** (*1*) Notwithstanding anything contained in any other law for the time being in force, the Union Government shall take adequate steps for the prevention of Juvenile delinquency and for the speedy administration of justice to young offenders.

(*2*) Young women shall be protected from any social, political or economic discrimination and from hazardous work conditions.

Democratic, politic, public awareness of youths.

**17.** The Union Government shall—

**(*a*) promote and ensure the activities of youth in the field of democracy and politics by providing proper facilities and assistance for their participation in political and public affairs;**

(*b*) enable youth to carry out their civic duties by involving them in various activities;

**(*c*) promote secularism amongst youth by means of mass education programmes.**

Special provisions for married youths.

**18.** (*1*) The Union Government shall evolve a scheme for sanctioning of interest-free loans, through banks, to married youth to enable them to construct or purchase new houses and such loans shall be repayable in monthly instalments over a period of ten years.

(*2*) Newly married youths shall be given preference in allotment of houses built by housing boards.

*Explanation.*—For the purposes of this section 'newly married youth' means a youth who has contracted marriage within preceding one year from the date of his application for the allotment of a house.

Recreation facilities to youths.

**19. The Union Government shall maintain holiday homes for youths, which shall comprise of youth hostels, recreation centres, camping sites, lodges, in places of tourist interest.**

Consultation with youths in formulation of youth welfare policies.

**20.** The appropriate Government shall—

(*a*) consult youth organisations before any legislation for the development of the youth is initiated and youth organisations shall have the right to submit proposals to the appropriate Government in this regard;

(*b*) hold discussions regularly with youth organisations for their social and vocational development;

**(*c*) set up Youth Development Boards, consisting of youth organisations, who shall, in cooperation with the appropriate Government, monitor the progress of implementation of the provisions of this Act.**

**21. The Central Government shall set up a permanent cell, which shall work out plans for the implementation of the provisions of this Act in consultation with youth association.**

Setting up of a permanent youth cell by Central Government.

**22. The Central Government shall give adequate financial assistance to the State Governments for implementation of the provisions of this Act and for the purpose the Central Government shall constitute a Youth Development Fund to which it shall contribute rupees one hundred crores per annum.**

Financing of State Governments by the Union Government and the constitution of Youth Development Fund.

23. The Central Government shall, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

For any nation, its student community and youth are very important. The future of a nation depends upon the development of this section of the society. As human resource is superior to all other resources, it is essential to have a comprehensive plan for development of youth.

Since independence, apart from scattered and vague pronouncements, no clear-cut youth policy has been laid down. The Directive Principles of the Constitution give some guidelines regarding questions relating to unemployment, education, social justice, equal rights for women, etc. But even now a proper youth policy has not emerged to transform these guidelines into practice.

Every fifth unemployed person in the world is an Indian. Every second illiterate in the world, is an Indian. In the field of sports, at the world level, our role is very insignificant. The cultural arena is still dominated by a small section of the society.

In this context, it is utmost important to start a powerful, united, well-orchested reform movement under a comprehensive youth policy and to implement it in order to wean away the youth from backward feudal ideology, connected with the colonial era, and to fight against fanaticism, fundamentalism and separatism.

The education should be a right of every youth not a privilege and employment should be guaranteed. The youth should directly be linked with production process. The disparities between rural and urban youth should be eliminated gradually. The youth today is also facing serious health problem, acute housing problem, absolute inadequacy in sports and cultural facilities and constant interference into their democratic rights. The young women are facing special problems like social discrimination, economic injustice, sexual harrasment, dowry system, etc. Our young scientists are not getting opportunity to discharge their responsibility to the nation. The environmental pollution and ecological imbalances are causing many problems for the youth. Youths belonging to Schedule Castes, Schedule Tribes and other backward sections are still reeling under poverty. There is no proper planning of the youth and its comprehensive development and proper utilisation. Youth organisations are also not consulted in dealing with the problems of youth.

A comprehensive youth policy is therefore absolutely necessary and long over-due. Without involving youth organisations, without an exchange of differing viewpoints before taking decisions, the youth cannot be activated. For this, it is necessary that, through debate and discussion, a clear cut policy outline be drawn up for the welfare of youth. So it is imperative to make a comprehensive youth law which will define the character and power of the youth, work for the fulfilment of various aspirations of the youth.

Hence this Bill.

NEW DELHI;
*August* 3, 1987.

HANNAN MOLLAH

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall provide compulsory and free education to all youths upto secondary education level. It also provides for scholarships to deserving youths and education to uneducated youths through adult education system. Clause 5 provides that appropriate Government shall provide facilities to youths for their participation in sports activities and finance sports federations. Clause 6 provides that the appropriate Government shall promote aptitude and awareness of health amongst youths. Clause 7 provides that the appropriate Government shall provide meals in accordance with requirements of a healthy nutritious diet in schools, boarding schools, colleges, etc. Clause 8 provides for regular supervision of health and medical care of youths by the appropriate Government. Clause 9 provides that the appropriate Government shall evolve a scheme under which youths can get training in training centres set up for this purpose in factories. Clause 11 provides that the appropriate Government shall be responsible for providing employment to all youths or unemployment benefits till they get employment. Clause 15 provides that the appropriate Government shall take steps to encourage youths to take part in arts and cultural activities and to organise youth festivals at various levels. It also provides that youth organisations shall be involved in activities connected with agriculture and house-building by paying them wages. Clause 17 provides that the Central Government shall promote and ensure the activities of youths in the field of democracy, politics, etc. and to encourage them to adopt secularism through the means of media. Clause 19 provides that the Central Government shall establish and maintain holiday homes, youth hostels, etc. for youths. Clause 20 provides for the setting up of youth Development Boards. Clause 21 provides for setting up of a permanent Special Cell at the Centre for the development of youths. Clause 22 provides for financing of State Governments for implementation of the provisions of this Act and for the constitution of Youth Development Fund by the Central Government.

The Bill, if enacted, therefore, would involve expenditure from the Consolidated Fund of India.

An annual recurring expenditure of about rupees one hundred and ten crores is likely to be incurred.

A non-recurring expenditure of about rupees two crores is also likely to be incurred.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL NO. 115 OF 1987

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1987. **Short title and commencement.**

(*2*) It shall come into force at once.

2. For article 201 of the Constitution, the following article shall be substituted, namely:— **Substitution of new article for article 201.**

"201. When a Bill is reserved by a Governor for the consideration of the President, the President shall, within a period of three months from the date of receipt of the Bill from the Governor, declare either that he assents to the Bill or that he withholds assent therefrom: **Time limit for President's recommendation to Bills reserved for his consideration.**

Provided that, where the Bill is not a Money Bill, the President may, as soon as possible but not later than three months from the date of receipt of the Bill from the Governor, direct the Governor to return the Bill to the House or, as the case may be, the Houses of the Legislature of the State together with such a message as is mentioned in the first proviso to article 200 and, when a Bill is so returned, the House or Houses shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the House or Houses with or without amendment, it shall be presented again to the President who shall, within a period of three months from the date of receipt of the Bill from the Governor, declare either that he assents to the Bill or that he withholds assent therefrom.".

## STATEMENT OF OBJECTS AND REASONS

At present number of Bills of far reaching importance passed by State Legislature are reserved by the Governor for consideration of the President. They are not sent for consideration of the President by the Government of India for a long period.

In the process, the State Legislature would not know about the fate of the Bills sent to the President for his consideration. Many important schemes are not able to be implemented due to non-receipt of President's recommendation. Therefore, there should be a time limit within which the President gives his recommendation to the Bills reserved for his consideration by the Governor.

Hence this Bill.

NEW DELHI;
*October* 19, 1987.

V. S. KRISHNA IYER

BILL NO. 117 OF 1987

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1987. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 30 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 30A.

"30A. (*1*) **The State shall provide free and compulsory education to all children upto the senior secondary school stage.** Free and compulsory education.

(*2*) **Higher technical education, including Engineering, Medical and Agricultural education, shall be provided free to the deserving children selected by the Union Government from all over the country by means of a common test.**".

## STATEMENT OF OBJECTS AND REASONS

Article 45 of the Constitution enjoins on the State to provide free and compulsory education to all children until they complete the age of fourteen. As, however, this is only a Directive Principle of the State Policy, it is not enforceable by law. Also not much has been done in this regard and as a matter of fact illiteracy in the country has increased since independence. The higher technical education has gone in the hands of those who are wealthy and the poor and deserving children in the country are deprived of opportunities for such education. It is high time that the provision to provide for free and compulsory education is included in the Fundamental Rights so that it can be enforced by law. It is also desirable at this stage that the State is called upon to provide free and compulsory education upto the senior secondary school level and higher technical education is provided to the talented children irrespective of their financial position.

Hence this Bill.

NEW DELHI;
*October* 23, 1987.

S. M. GURADDI

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall provide free and compulsory education to all children upto senior secondary school stage and also higher technical education to the deserving children free of cost. The Central Government shall have to assist the State Governments financially to achieve the said objective. Besides this, the Central Government will also have to incur some expenditure on holding the common selection test for selecting children for higher technical education.

It is estimated that in this connection the recurring annual expenditure will be about rupees two hundred crores and non-recurring expenditure will be about rupees twenty crores from the Consolidated Fund of India.

BILL NO. 123 OF 1987

*A Bill to provide for recognition of public interest litigations and for matters connected therewith*

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title, extent and commencement.

**1.** (*1*) This Act may be called the Public Interest Litigation Act, 1987.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2** In this Act, unless the context otherwise requires,—

(*a*) "Court" means any court in India including the Supreme Court of India, High Courts, revenue Courts and Tribunals;

(*b*) "Judge" means a presiding officer of the court;

(*c*) "prescribed" means prescribed by rules made under this Act; and

(*d*) "public interest litigation" means a case arising out of a petition submitted to Court personally or by post by a petitioner narrating a public or a private grievance for the consideration of the Court.

Registration of public interest litigation.

3. If any court receives a public interest litigation from any Indian citizen, the subject matter of which, is within the jurisdiction of that Court, the Court shall order the registration of the public interest litigation, in a register to be maintained in the manner to be prescribed.

Examination of petitioner.

**4. The Court shall issue summons to the petitioner, whose petition has been registered under section 3, to appear before the Court and, if the petitioner expresses his inability to appear before the Court, the Judge shall appoint a Commission to examine the petitioner at the place of his residence.**

Court to determine retention/ deletion of public interest litigation.

5. The Court, after receiving the report of the Commissioner and upon making such inquiry as it deems fit, may either order that the public interest litigation to be retained or deleted from the register maintained under section 3.

Legal assistance to petitioners.

**6. If the public interest litigation is retained under section 5, the Court shall recommend the case—**

**(*a*) to the appropriate authority under the Legal Services Authorities Act, 1987, for legal assistance to the petitioner, who is entitled to receive such assistance under section 12 of the Legal Services Authorities Act, 1987,** 39 of 1987.

**(*b*) to the Central Government for free legal assistance to the petitioner, who is not entitled to receive free assistance under the Legal Services Authorities Act, 1987, in presenting the case before the court.**

Power to make rules.

7. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

(*a*) the form and the manner in which the register under section 3 shall be maintained;

(*b*) matters relating to the appointment of Commission under section 4;

(*c*) guidelines for retaining and deleting public interest litigations from the register under section 5;

(*d*) any other matter which is required to be prescribed, or may be prescribed.

## STATEMENT OF OBJECTS AND REASONS

A category of litigation known as public interest litigation has recently developed in this country to a considerable extent. The precedent of admitting and entertaining this category of litigation was first established by the Supreme Court of India. Even informal letters written by citizens to the Supreme Court are treated as Writ Petition and reliefs are granted on issues of public importance.

Taking the clue from the Supreme Court, people have now started writing letters to the Supreme Court and other Courts in the country. Courts have their own procedure, laid down by the rules, to entertain and try various types of cases. As far as public interest litigation is concerned, there is no law on the subject. Critics strongly oppose the system of entertaining public interest litigations as they are entertained by the Judges disregarding the rules of the procedure.

As the objective of the public interest litigation is laudable, and, at the same time, the category of litigation which has the potential of serving social causes should not be discarded as being contrary to the rules of Courts, a law on the subject is the need of the hour.

The Bill provides for the entertainment of the public interest litigations by all types of courts including Supreme Court of India, High Courts, Revenue Courts and Tribunals so as to recognise the system of public interest litigation.

Hence this Bill.

NEW DELHI;
*October* 26, 1987.

SHANTARAM NAIK

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for appointment of the Commission by the Courts to examine the petitioner. Clause 6 provides for recommending the cases of public interest litigation to the appropriate authorities under the Legal Services Authorities Act, 1987 or to the Central Government for providing free legal assistance to the petitioners.

The Bill, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India, which cannot be estimated at this stage. However, it is likely to involve an annual recurring expenditure of about rupees three lakhs.

No non-recurring expenditure is likely to be involved from the Consolidated Fund of India.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 122 OF 1987

*A Bill to amend the Bureau of Indian Standards Act, 1986*

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title, extent and commencement.

**1.** (*1*) This Act may be called the Bureau of Indian Standards (Amendment) Act, 1987.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 14.

63 of 1986.

**2.** In section 14 of the Bureau of Indian Standards Act, 1986, after clause (*b*), the following clause shall be inserted, namely:—

"(*c*) direct that all advertisements relating to the articles covered under clauses (*a*) and (*b*), for the purpose of promotion of their sale through the media of newspapers, magazines, periodicals, leaflets, paintings, posters, television or radio, shall carry and/or convey alongwith the advertisement the retail price and/or the wholesale price, as the case may be, of such articles.".

## STATEMENT OF OBJECTS AND REASONS

Modern world is called the world of advertisements, so much so, that decisions of the people in the matter of selection of articles are guided by the fascinating advertisements which both guide and misguide the consumers.

However, one noteworthy aspect of these advertisements is that these advertisements while depicting all the existing and non-existing qualities of the concerned product, conveniently fail and neglect to tell the consumers the very thing which the consumer would like to know first above all other things, namely, the price of the article advertised.

It is precisely this aspect which has been covered under the Bill. The Bill seeks to amend the Bureau of Indian Standards Act, 1986 in order to incorporate a provision to make it mandatory for the advertisers of articles, which are covered under the Act only, for the purpose of standardisation, to carry/convey alongwith their advertisements retail and/or wholesale prices of the articles advertised.

The Act already contains a section, namely section 33, which provides for the imposition of imprisonment for one year or a fine upto fifty thousand rupees for violating the provisions of the said section.

NEW DELHI;
*October* 26, 1987.

SHANTARAM NAIK

BILL NO. 114 OF 1987

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1987. Short title and commencement.

(2) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

2. In article 51A of the Constitution, after clause (*j*), the following clause shall be inserted, namely:— Amendment of article 51A.

"(*k*) to see that no action of his, words spoken by him or his behaviour, in a foreign country, brings into disrepute the name or lowers the prestige of India, its people or the Government of India,".

## STATEMENT OF OBJECTS AND REASONS

These days a tendency has been noticed in some of the citizens of our country to make public utterances in foreign countries least considering the impact of their actions. Some of our citizens use public occasions of social types or otherwise, in foreign countries, to tell the world as to how bad is the Government of India, consequently downgrading the people of this great country who elect their government by participating in one of the biggest democratic processes in the world. Some even go to the extent of criticising the country's electorate directly pointing out to their illiteracy thereby casting aspersions on their ability to choose an ideal government.

Therefore, this Bill seeks to insert a new clause in article 51A of the Constitution, which contains the Fundamental Duties of citizens of India, prescribing an additional duty so as to stress the importance of maintaining the honour and prestige of the country and its people by our citizens while they are on foreign soil.

Hence this Bill.

NEW DELHI;
*October* 28, 1987.

SHANTARAM NAIK

BILL NO. 124 OF 1987

*A Bill to prevent sati and its glorification and for matters connected therewith or incidental thereto*

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Sati Prevention Act, 1987.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

2 of 1974.

(*a*) "Code" means the Code of Criminal Procedure, 1973;

(*b*) "glorification" in relation to the practice of sati, includes, among other things, the observance of any ceremony or taking out of a procession in connection with the sati or the creation of a trust or the collection of funds or the construction of a temple with a view to perpetuating the honour of, or to preserve the memory of the person committing sati;

(c) "sati" means the burning or burying alive of any widow alongwith the body of her deceased husband or with any article, object or thing associated with the husband, irrespective of whether such burning or burying is voluntary on the part of the widow or otherwise;

(d) "special court" means a special court constituted under section 9;

(e) "temple" includes any building or other structure, whether having a roof or not, constructed to preserve the memory of a widow committing sati and used or intended to be used for the purpose of worship or offering prayers;

(f) words and expressions used but not defined in this Act and defined in the Indian Penal Code, 1860 or in the Code shall have the same meanings as are respectively assigned to them in the Indian Penal Code or the Code. 45 of 1860.

## CHAPTER II

### PUNISHMENTS FOR OFFENCES RELATING TO SATI

Attempt to commit sati.

3. Notwithstanding anything contained in the Indian Penal Code, whoever attempts to commit sati and does any act towards such commission shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to five years and shall also be liable to fine which shall not be less than five thousand rupees but which may extend to twenty thousand rupees. 45 of 1860.

Abetment of sati.

4. (1) Notwithstanding anything contained in the Indian Penal Code, whoever abets the commission of sati, either directly or indirectly, shall be punishable with death or imprisonment for life and shall also be liable to fine. 45 of 1860.

(2) If any person attempts to commit sati, whoever abets such attempt shall be punishable with imprisonment for life and shall also be liable to fine.

*Explanation.*—For the purposes of this section any of the following acts shall also be deemed to be an abetment to commit sati, namely:—

(a) any inducement to a widow to get her burnt or buried alive alongwith the body of her deceased husband or with any article, object or thing associated with him, irrespective of whether she is in a fit state of mind or is labouring under a state of intoxication or stupefaction or other cause impeding the exercise of her free will;

(b) making a widow believe that the performance of sati would result in some spiritual benefits to her or her deceased husband and the general well being of the family;

(c) encouraging a widow to remain firm in her resolve to commit sati and thus instigating her to commit sati;

(d) participating in any procession in connection with the commission of sati or intentionally aiding the widow in her decision to commit sati by taking her alongwith the body of her deceased husband to the cremation ground;

(*e*) obstructing, or interfering with, the police in the discharge of its duties in taking effective steps to prevent the commission of sati;

(*f*) preventing or obstructing the widow from saving herself from being burnt or buried alive; and

(*g*) being present at the place where sati is committed as active participants to such commission or to any ceremony connected with it.

Punishment for glorification of sati.

5. Whoever does any act for the glorification of sati shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than five thousand rupees but which may extend to thirty thousand rupees.

## CHAPTER III

### POWER OF COLLECTOR AND DISTRICT MAGISTRATE TO PREVENT OFFENCES RELATING TO SATI

Power to Prohibit certain acts.

6. (*1*) Where the Collector and District Magistrate is of the opinion that sati is being, or is about to be, committed in any area, he may, by order, prohibit the doing of any act towards the commission of sati in such area or areas and for such period as may be specified in the order.

(2) The Collector and District Magistrate may also, by order, prohibit the glorification in any manner of the commission of sati by any person in any area or areas specified in the order.

(3) Whoever contravenes any order made under sub-section (*1*) or sub-section (2) shall, if such contravention is not punishable under any other provision of this Act, be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than five thousand rupees but which may extend to thirty thousand rupees.

Power to remove temples or other structures.

7. (*1*) The Collector and District Magistrate may, if he is satisfied that any temple or other structure has been, or is being, constructed for the glorification of the sati in violation of any order made under section 6, direct the removal of any such temple or other structure.

(2) Where any order under sub-section (*1*) is not complied with, the Collector and District Magistrate shall cause the temple or other structure to be removed through a police officer not below the rank of a Sub-inspector at the cost of the defaulter.

Power to seize certain properties.

8. (*1*) Where the Collector and District Magistrate has reason to believe that any funds or property have been collected or acquired for the purpose of glorification of the commission of any sati or which may be found under circumstances which create suspicion of the commission of any offence under this Act, he may seize such funds or property.

(2) Every Collector and District Magistrate acting under sub-section (*1*) shall report the seizure to the special court, if any, constituted to try any offence in relation to which such funds or property were collected or acquired and shall await the orders of such special Court as to the disposal of the same.

## CHAPTER IV

### SPECIAL COURTS

Trial of offences under this Act.

**9. (1) Notwithstanding anything contained in the Code, all offences under this Act shall be triable only by a special Court constituted under this section and the special Court so constituted may have jurisdiction on whole or such part of the State or Union territory, as the State Government or the Union territory administration, as the case may be, specifies by notification.**

**(2) The State Government or the Union territory administration shall, as soon as it receives information about the commission of sati in any place within the State or the Union territory, as the case may be, by notification in the Official Gazette, constitute a special Court consisting of a person to be appointed by the State Government or the Union territory administration, as the case may be, in consultation with the Chief Justice of the High Court, for the trial of any offences under this Act.**

(3) A person shall not be qualified for appointment as a Judge of a special Court unless he is in the cadre of a District and Session Judge in the State or Union territory.

Special public prosecutors.

**10. (1) For every special Court, the State Government or Union territory administration, as the case may be, shall appoint a person to be a special public prosecutor.**

(2) A person shall be eligible to be appointed as a special public prosecutor under this section only if he had been in practice as an advocate for not less than seven years or has held any post for a period of not less than seven years under the Union or a State requiring special knowledge of law.

(3) Every person appointed as a special public prosecutor under this section shall be deemed to be a public prosecutor within the meaning of clause (*iv*) of section 2 of the Code and the provisions of the Code shall have effect accordingly.

Procedure and powers of special Courts.

**11.** (1) A special Court may take cognisance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

(2) Subject to the other provisions of this Act, a special Court shall for the purpose of trial of any offence, have all the powers of a Court of Sessions, so far as may be in accordance with the procedure prescribed in the Code for trial before a Court of Session.

Power of special Court with respect to other offences.

**12.** (1) When trying any offence under this Act, a special Court may also try any other offence with which the accused may under the Code be charged at the same trial if the offence is connected with such other offence.

(2) If in the course of any trial of any offence under this Act, it is found that any accused person has committed any other offence under this Act or under any other law, a special Court may convict such person also of such other offence and pass any sentence authorised by this Act or such other law for the punishment thereof.

(3) In every inquiry of trial, the proceedings shall be held as expeditiously as possible and, in particular, where the examination of witness has begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, and if any special Court finds the adjournment of the same beyond the following date to be necessary, it shall record its reasons for doing so.

Forfeiture of funds or property.

**13.** Where a person has been prosecuted under the provisions of this Act, special court trying any offence under this Act, may irrespective of whether any punishment has been awarded or not, if it is considered necessary so to do, declare that any funds or property seized under section 8 shall stand forfeited to the State or the Union territory.

Appeal.

**14.** (1) An appeal shall lie as a matter of right from any judgment, sentence or order, not being an interlocutory order of a special court to the High Court on facts and on law.

(2) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant has sufficient cause for not prefering the appeal within the period of thirty days.

## CHAPTER V

### MISCELLANEOUS

Protection of action taken under this Act.

**15.** No suit, prosecution or other legal proceedings shall lie against the State Government or Union territory administration or any officer or authority of the State Government or Union territory administration or any authority to whom powers have been delegated under this Act for anything which is intended to be done in good faith or in pursuance of this Act or any rules or orders made under this Act.

Burden of proof.

**16.** Where any person is prosecuted of an offence under section 3 or section 4, the burden of proof that he had not committed the offence under the said sections shall be on him.

Obligation of certain persons to report about the commission of offence under this Act.

**17.** (1) All officers of police and officers of Government are hereby required and empowered to assist the police in the execution of the provisions of this Act or any rule or order made thereunder.

(2) All village officers and such other officers as may be specified by the Collector and District Magistrate in relation to any area and the inhabitants of such area shall, if they have reason to believe or have the knowledge that sati is about to be, or has been, committed in the area shall forthwith report such fact to the nearest police station.

(3) Whoever contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

Overriding effect of the Act.

**18.** The provisions of this Act or any rule or order made under the Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

## STATEMENT OF OBJECTS AND REASONS

Inspite of the provisions in the Indian Penal Code for the prevention of suicide, the continuance of the practice of sati and its glorification has been on the increase in the recent years.

The Code of Criminal Procedure, 1973, contains provisions to prosecute the person for the abetment of sati.

This has not proved effective for prevention of sati and its glorification. Therefore, the present Bill is the need of the hour to prevent the reoccurrence of sati.

Hence this Bill.

NEW DELHI;
*October* 29, 1987.

RAM BAHADUR SINGH.

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## FINANCIAL MEMORANDUM

Clause 9 of the Bill provides for the constitution of special Courts by the State Governments and the Union territory administrations to try the offences relating to sati. Clause 10 provides for the appointment of special public prosecutors by the State Governments and Union territory administrations for every special Court set up to try the offences relating to sati. The expenditure in regard to the States shall be met by the States out of their Consolidated Funds. However, the Central Government will have to meet the expenditure in regard to the Union territories. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten lakhs per annum.

It is also likely to involve non-recurring expenditure of about rupees two lakhs.

BILL NO. 126 OF 1987

*A Bill to prohibit tests for pre-birth sex determination and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Prohibition of Tests for Pre-birth Sex Determination Act, 1987.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "pre-birth" means the state of the pregnant woman and of the child in the womb, irrespective of the length of the pregnancy;

(*b*) "sex determination" means scientifically gaining knowledge of the sex of the foetus; and

(*c*) "test" means use of amniocentesis or liquor tests or tissue culture or other modern techniques used on the pregnant women to determine the sex of the foetus.

Prohibition of pre-birth sex determination tests.

**3.** All types of pre-birth sex determination tests are hereby prohibited.

Punishment for offences relating to pre-birth sex determination tests.

4. Notwithstanding anything contained in the Indian Penal Code— 45 of 1860.

(*a*) any medical practitioner or any other person who conducts any test to determine the sex of the foetus in a pregnant women; and

(*b*) any expectant mother who undergoes pre-birth sex determination test and the husband of the expectant mother,

shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to five years and shall also be liable to fine which shall be not less than five thousand rupees but which may extend to twenty thousand rupees.

Onus of proof to be on the offender.

5. Where any person is prosecuted for an offence under section 4, the burden of proof that such person had not committed the offence under the said section shall be on the said person.

Overriding effect of the Act.

**6.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment or in an any instrument having effect by virtue of any enactment other than this Act.

## STATEMENT OF OBJECTS AND REASONS

In mid-seventies modern techniques were introduced in India to examine the foetus with a view to detect the genetic defects in it. These tests also revealed the sex of the foetus. In the pre-dominantly patriarchal social system of the country there is deep rooted aversion towards having a female child. The birth of a female child is considered as loss of prestige and financial burden to the parents of the child. As a natural corollary to this attitude, the knowledge of the sex of the unborn child leads to female foeticide. These tests are now increasingly used by the parents and the medical practitioners alike for pre-birth sex determination with the intention of aborting the female foetus.

The objective of the Medical Termination of Pregnancy Act, 1971 was to avoid risk to the life of the pregnant women or grave injury to her physical or mental health or to avoid the risk of having a seriously handicapped child. The provisions of the Act are being misused for conducting female foeticide. Nevertheless, the test is the root cause of the present day large scale scientific femicide. Since the instances of genetic defects of the foetus are rare as compared to technological femicide, the benefits of the test are far outweighed by the damage done by it. Hence the test must be banned.

The Bill seeks to avoid imbalance in male-female ratio resulting in dangerous consequences. Above all, it seeks to arrest the role of modern technology in dehumanising the human mind by punishing the offenders.

The Bill seeks to achieve the above object.

NEW DELHI;
*November* 4, 1987.

MEIRA KUMAR

SUBHASH C. KASHYAP,
*Secretary-General.*

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